



WP.No.36462 of 2023

WP.No.36462 of 2023

WEB **G.K.ILANTHIRAIYAN, J.**

At the instance of the learned counsel for the petitioner, today this matter has been posted under the caption “for being mentioned”.

2. Heard, the learned counsel appearing for the petitioner.

3. In view of the submission of the learned counsel for the petitioner, it is ordered that in the first and second lines of the second paragraph of the order passed in WP.No.36462 of 2023 dated 05.01.2024, the words '**the 5th respondent is**' shall read as '**respondents 5 to 13 are**'.

4. Accordingly, the Registry is directed to issue a fresh order copy in WP.No.36462 of 2023 dated 05.01.2024 after making necessary corrections.

20.03.2024

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G.K.ILANTHIRAIYAN, J.

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WP.No.36462 of 2023

20.03.2024



WP.No.36462 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.3093 of 2023
and W.M.P.Nos.3164 & 3165 of 2023

Boda Yogeendra
Joint General Manager (Operations)
Regional Headquarters,
Southern Region,
Airports Authority of India,
Chennai Airport,
Chennai - 600 0027
...Petitioner

-Vs-

1. Airports Authority of India,
Rep. by its Chairman,
Safdarjung Airport,
New Delhi – 110 003.
2. The Member (HR)
Airports Authority of India,
Safdarjung Airport,
New Delhi – 110 003.
3. The Executive Director (HR),
Airports Authority of India,
Safdarjung Airport,
New Delhi – 110 003.



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4. The General Manager (HR)
Airports Authority of India,
Safdarjung Airport,
New Delhi – 110 003.
5. C.George Verghese
6. Sanjay Dularey
7. Pramod Kumar
8. D.D.Chowdhary
9. S.S.Sundar
10. S.K.Soni
11. B.Nalini
12. Ajay Verma
13. R.Laxmanan
14. R.Rajaraman
15. Sudha R Murali
16. Rakesh Bahri

Respondents 5 to 16 are
Joint General Manager (Operations),
C/o.The General Manager (HR)
Airports Authority of India,
Safdarjung Airport,
New Delhi – 110 003.
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents relating to the office memorandum No.A32013/Court Case/2017-DPC dated 28.11.2022, issued by the fourth respondent and quash the same insofar as it relates to last sentence viz., “However, position in the seniority list as circulated from time to time shall remain the same” contained in



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paragraph 7 thereof and directing the respondents herein to refix the seniority of the petitioner in the seniority lists of Airport Manager, Senior Manager, Assistant General Manager, Deputy General Manager and Joint General Manager with reference to the revised dates of promotion viz., 26.10.2004, 22.05.2009, 22.05.2012, 27.10.2015 and 03.04.2019, respectively.

For Petitioner : Mr.Doraisamy, Senior Counsel
For Mr.Muthumani

Doraisamy

For Respondents
For R1 to R4 : Mr.Ramaswamy Meyyappan

ORDER

The writ petition has been filed to quash the office memorandum No.A32013/Court Case/2017-DPC dated 28.11.2022, issued by the fourth respondent, insofar as it relates to last sentence viz., “However, position in the seniority list as circulated from time to time shall remain the same” contained in paragraph 7 thereof.

2. Heard the learned counsel appearing on either side and perused the material placed before this Court.

3. The petitioner had joined in the service of Airports Authority of India on 19.05.1997 and his service was regularized from



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10.05.1999. The provisional seniority list of Airport Managers and Executive House Keeping was published on 17.04.2003 and his position in the provisional seniority list was placed as fifth. The post of Assistant Airport Manager and Executive House Keeping are equal rank and those posts are feeder category for the promotion to the post of Airport Manager.

4. Accordingly, the orders were issued thereby promoting thirteen Assistant Airport Managers and five Executive House Keeping to the post of Airport Manager on 25.10.2004. However, the petitioner was not promoted to the post of Airport Manager though his name finds place as fifth in the seniority list. Therefore, the petitioner submitted detailed representation and approached this Court in W.P.No.33130 of 2004. This Court by an order dated 18.11.2004 directed the authority to consider the representation submitted by the petitioner in accordance with law.

5. Thereafter, the petitioner's representation was rejected on the ground that the petitioner failed to meet the bench mark prescribed for promotion to the post of Airport Manager and as such, he is not found suitable for the said post by the communication dated 07.01.2005. It was challenged



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before this Court in W.P.No.3242 of 2005. While pending the writ petition, the petitioner was promoted to the post of Manager (Operation) by an order dated 09.08.2007 and subsequently promoted to the post of Senior Manager (Operations) on 01.07.2011 and Assistant General Manager (Operations) on 01.07.2014.

6. Further, this Court by an order dated 29.09.2016, allowed the writ petition in W.P.No.3242 of 2005, thereby quashing the communication dated 07.01.2005, and also granted liberty to the petitioner to make fresh representation with regard to the post of Airport Manager. Accordingly, the petitioner submitted representation and thereafter by the proceeding dated 28.11.2022, the petitioner was granted notional promotion from 25.10.2004 and promoted to the post of Senior Manager on 22.05.2009. Further he was promoted to the post of Assistant General Manager from 22.05.2012 and promoted to the post of Deputy General Manager from 27.10.2015. Finally he was promoted to the post of Joint General Manager on 03.04.2019. However, the fourth respondent included one line as the seniority list as circulated from time to time shall remain the same.



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7. As directed by this Court, the fourth respondent considered

the request of the petitioner and notionally promoted the petitioner with all monetary and consequential benefits as stated supra. But he stated that his position in the seniority list shall remain same. When the petitioner was notionally promoted with all monetary benefits, his seniority cannot be remain same. Now the fourth respondent under the process of preparing panel to the post of General Manager.

8. Considering the above facts and circumstances, the last sentence in paragraph 7 of the office memorandum No.A32013/Court Case/2017-DPC dated 28.11.2022, issued by the fourth respondent, viz., “However, position in the seniority list as circulated from time to time shall remain the same” is hereby deleted. The fourth respondent is directed to prepare the seniority list to the post of General Manager, after giving opportunity of hearing to the petitioner and the respondents 5 to 16, to raise their objections and thereafter finalize the panel to the post of General Manager in accordance with law, as per the Rules and Regulations.



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9. With the above directions, the Writ Petition stands allowed.

Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

18.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order
rts



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WEB COPY

- To
1. The Chairman,
Airports Authority of India,
Safdarjung Airport,
New Delhi – 110 003.
 2. The Member (HR)
Airports Authority of India,
Safdarjung Airport,
New Delhi – 110 003.
 3. The Executive Director (HR),
Airports Authority of India,
Safdarjung Airport,
New Delhi – 110 003.
 4. The General Manager (HR)
Airports Authority of India,
Safdarjung Airport,
New Delhi – 110 003.



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